

THIRTY-FIRST DAY.

Senate Chamber,
Austin, Texas,
February 25, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Senator Berkeley.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
ONeal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Holbrook:

S. J. R. No. 24, A joint resolution "Proposing an amendment to Section 51, of Article 3, of the Constitution of Texas, authorizing the Legislature to grant aid, and to authorize counties to assist and aid, in caring for their aged citizens in indigent circumstances, who have resided in the State more than fifteen (15) years; providing for its submission to the voters of the State of Texas, as required by the Constitution, and making an appropriation therefor."

Read first time and referred to Committee on Constitutional Amendments.

By Senator Woodul:

S. B. No. 442, A bill to be entitled "An Act providing that it shall here-

after be unlawful for any person, corporation, insurance company, fraternal organization, burial association or other association to write, sell or issue any certificate, policy, contract or membership, maturing upon the death of the person holding same or upon the death of some member of holder's family, if such certificate, policy, contract or membership provides that it is to be paid or settled, of if the plan of such person, corporation, organization or association provides that its certificates, policies, contracts or memberships are to be paid or settled in merchandise or services rendered, or agreed to be rendered, or by furnishing burial materials or burial services, or in discounts on the regular prices of merchandise, burial materials, funeral services or other services or if such certificate, policy, contract or membership is to be paid at maturity in anything except money; and providing that any person, corporation, insurance company, fraternal organization, burial association or other association violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than ten dollars nor more than two hundred and fifty dollars, each sale of any such policy, contract or membership shall constitute a separate offense; and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senator Parr:

S. B. No. 443, A bill to be entitled "An Act validating, ratifying, and approving the acts and proceedings of the County Board of School Trustees, and County Commissioners' Courts, relating to consolidation of territory to certain independent school districts; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Parrish:

S. B. No. 444, A bill to be entitled "An Act to amend Article 949 of the Code of Criminal Procedure, Revision of 1925, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Parrish:

S. B. No. 445, A bill to be entitled "An Act to amend Article 440 of the Code of Criminal Procedure, Revision of 1925, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Poage:

S. B. No. 446, A bill to be entitled "An Act authorizing cities and towns to create Appraisal Board for the purpose of valuing property within the limits of cities and towns for fire insurance purposes, and providing that where cities and towns acting under such authority create such board, then no fire insurance policy shall be issued upon property within such city or town without obtaining a certificate of valuation from the board, and providing further that in the event fire insurance in excess of the value fixed by said board is placed upon any property and such property is destroyed or damaged, no loss resulting therefrom shall be taken into consideration in fixing fire insurance rates or determining insurance penalties to be assessed against such cities or towns."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Parr:

S. B. No. 447, A bill to be entitled "An Act authorizing the Game, Fish and Oyster Commission to construct a channel through Padre Island, Mustang Island and St. Jo Island, etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Senator Excused.

On motion of Senator Moore, Senator Hardin was excused for the day on account of death in the family.

Simple Resolution No. 60.

Senator Hornsby sent up the following resolution:

All of the masculine contingent of the State Senate of Texas is hereby most cordially invited to a "Stag Smoker," to be given by the Austin Chamber of Commerce for the members of the Legislature. The date is Thursday, March 5th, at 7:30 p. m.;

the place, the Stephen F. Austin Hotel Roof.

There will be good eats and two hours of real, snappy entertainment, something novel and different. Do not permit any conflicts with this date, and do not let anything prevent each member of the Senate from being present.

HORNSBY.

Read and adopted.

S. B. No. 341 Re-Committed.

On motion of Senator Parr, S. B. No. 341 was recommitted to the Committee on Criminal Jurisprudence.

Simple Resolution No. 61.

Senator Parrish sent up the following resolution:

"Defense of the Hen."

Whereas, the farmers of Texas have, in the past, been advised by the various Chambers of Commerce, Civic organizations and business men to rely heavily on the cow, sow and the hen for the support of their families and the nation; and

Whereas, the farmers of the State of Texas have, as best they could, tried to adopt this policy, and while it is a matter of common knowledge that the farmers of our State are in splendid condition financially, nevertheless it has come to our knowledge that the said farmers are receiving at this time only a sum of between seven (.07c) and ten (0.10c) cents per dozen for their eggs as they are placed on the market; and

Whereas, this price is absolutely adequate in so far as the farmer's remuneration is concerned, as it is conceded by them to be a fair market price and far above the cost of production; and

Whereas, the Restaurant and Hotel Owners of this State, and especially in the City of Austin, are receiving from their trade the meager sum of only twenty-five (0.25c) cents for an order of eggs, consisting of two (2) eggs, the cost of the preparation of the order not exceeding more than two (0.02c) cents, therefore making for the individuals engaged in the Hotel and Restaurant business the meager sum of only 1,250% profit; and

Whereas, the consuming public

and customers of those engaged in this line of business have no complaint to make at the charges, same being reasonable in this time of progress, as all are able and willing to pay such price, but in defense of the faithful old hen who is loyal to her owner and never refuses to turn her back to the hand of the one who feeds her, has raised the question that it might be possible that the profit enjoyed by the farmer, the producer of the egg, and the Restaurant and Hotel men who serve same, this Resolution might be fitting and in order; now therefore,

Be it Resolved by the Senate of the State of Texas:

That we go on record with this Resolution asking the Hotel and Restaurant men in our Great State to give some thought and consideration to the profits being made by them, with a warning that the time might come in the near future when it would be necessary to establish a State Commission or Board invested with authority to look into this question of the meager profit of only 1,250% now being made by said Restaurant and Hotel men.

PARRISH,
DeBERRY.

Read and referred to the Committee on Federal Relations, on motion of Senator Holbrook.

House Bill No. 180.

The Chair laid before the Senate on its second reading the following bill:

By Mr. DeWolfe:

H. B. No. 180, A bill to be entitled "An Act making it a felony to threaten to take the life of any human being or to inflict serious bodily injury or to burn, injure or destroy any property of any person in order to extort money or anything of value from the person threatened; providing for the penalty therefor, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 180 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent.

Hardin.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent.

Hardin.

House Bill No. 244.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Petsch and Mr. Mathis:

H. B. No. 244, A bill to be entitled "An Act defining the offense of kidnapping for extortion, ransom or robbery, and prescribing the punishment."

Read second time.

On motion of Senator Martin, the bill was laid on the table subject to call.

Messages from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, February 25, 1931.
Hon. Edgar E. Witt, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bills and
resolution:

H. B. No. 55, A bill to be entitled
"An Act providing for the jurisdic-
tion of the county court of Schleicher
county, conferring upon said court
civil and criminal jurisdiction and
increasing the criminal and civil
jurisdiction of said court; conform-
ing the jurisdiction of the district and
justice courts of said county to such
change; fixing the time of the county
court; repealing all laws in conflict
with this act, and declaring an emer-
gency."

H. B. No. 94, A bill to be entitled
"An Act to fix the salary of the coun-
ty superintendent of public instruc-
tion and the county board of school
trustees in each county in Texas
having a population of not less than
18,425 nor not more than 18,435,
according to the Federal census of
1930, providing for office expenses;
repealing all laws and parts of laws
in conflict herewith, and declaring
an emergency."

H. B. No. 109, A bill to be entitled
"An Act making it unlawful to trap,
snare, shoot at, catch or kill any wild
fox in Bell county; providing a pen-
alty, and declaring an emergency."

H. B. No. 129, A bill to be entitled
"An Act to amend Article 7005,
Chapter 7, Title 121, of the Revised
Civil Statutes of 1925, as amended
by Chapter 105 of the Acts of the
Regular Session of the Fortieth Leg-
islature, so as to add Parmer county
to the counties exempted in said
Article 7005, and declaring an emer-
gency."

H. B. No. 131, A bill to be entitled
"An Act to amend subdivision 6 of
Article 199, Title 8, of the Revised
Civil Statutes of Texas of 1925, the
same fixing the time and prescribing
the number of terms of district court
in and for the Sixth Judicial District
of Texas by providing for and pre-
scribing an additional term of said
court in Fannin county, and further
providing that the judge of the Sixth
Judicial District shall convene a
grand jury in Fannin county at only
two terms of said court in each year
unless in his judgment it be neces-
sary for a grand jury at either or

both of the remaining terms, and re-
pealing all laws in conflict herewith,
and declaring an emergency."

H. B. No. 178, A bill to be entitled
"An Act providing for a rural school
supervisor in certain counties in lieu
of teachers' institutes; prescribing
the duties of said supervisor; provid-
ing for visits to schools of the county
and work in co-operation with teach-
ers; prescribing the salary of said
supervisor and how it shall be paid;
providing other things incidental to
said purposes, and declaring an emer-
gency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, February 25, 1931.
Hon. Edgar E. Witt, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following resolution:

H. C. R. No. 31, Commending the
American Legislators Association
and the Interstate Legislative Refer-
ence Bureau.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, February 25, 1931.
Hon. Edgar E. Witt, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has refused to concur in Senate
Amendments to House Bill No. 399
and requests the appointment of a
conference committee to adjust the
differences between the two Houses.
The following are appointed on the
part of the House:

SANDERS,
FORD,
CLAUNCH,
HOLDER,
SATTERWHITE.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Concurrent Resolution No. 17.

Senator Parrish sent up the fol-
lowing resolution:

Whereas, In all sections of this
State, city and county officials, civic
organizations, business men, and citi-
zens from all walks of life, have pro-

tested against the prices and the rates and charges which are being made for transportation, insurance and telegraph and telephone services, and the charges being made for natural gas and electricity for domestic and power purposes, and by pipe line companies for transporting oil, it being alleged that such prices, rates and charges are, in many instances, unreasonable and exorbitant; and

Whereas, Particularly complaint has been made against persons, firms, corporations, and associations of persons producing, manufacturing, transporting, carrying, delivering, buying and selling natural gas and electricity for domestic and power purposes, and against pipe line companies for oil, and against certain insurance companies, telegraph and telephone companies; and

Whereas, It has been repeatedly charged in this State that such companies are not bearing their just portion of the burdens of taxation; and

Whereas, It is alleged that the profits of such companies are unreasonable and unfair and are sought to be justified on a basis of highly watered and fictitiously valued capital investments, and on operating and overhead expenses which are unreasonable because of high salaries and other unjustified expenditures; and

Whereas, It is further charged that some of such companies have brought themselves under a common ownership management and control with the effect of creating a monopoly for the purpose of lessening competition and fixing prices; and

Whereas, it is necessary that the Legislature have all the facts in connection with these allegations and charges in order that proposed legislation now pending in both Houses may be acted upon in the interest of the public welfare, that an investigation be made into all matters herein mentioned; now, therefore,

Be It Resolved by the Senate of the State of Texas, the House of Representatives concurring:

Section 1. That an investigation be ordered, the subject of which shall be to establish the true facts concerning the aforesaid allegations and charges. That a committee of five members of the Senate and the House of Representatives be appointed, three members thereof to be appointed

from the House by the Speaker of the House of Representatives, and two members thereof from the Senate to be appointed by the President of the Senate, whose duty it shall be to conduct the investigation herein ordered.

Sec. 2. That said committee shall have the power to formulate its own rules of procedure and evidence and to provide its own hours for meeting and adjourning; said committee shall sit in the Capitol at Austin during its sessions, and sessions of said committee shall be open to the public, except at such times as the committee, by a majority vote, may determine to hold an executive session; the chairman of said committee shall be elected by majority vote of the members of said committee, and the committee shall appoint its own secretary, and the sergeant-at-arms shall be furnished from the present force now employed by the Senate or House of Representatives.

Sec. 3. That the committee shall have the power to issue process for witnesses to any place in this State and to compel their attendance, and to produce all books and records, and upon disobedience of any subpoena the said committee shall have the power to issue attachments which may be addressed to, and served by, either the sergeant-at-arms, appointed by said committee, or by any sheriff or constable of this State; said committee shall have the power to inspect and make copies of any books, records, or files of any firm, corporation, or association of persons, pertaining to the subject matter contained herein, whose investigation is authorized by this order; the committee shall have the power to administer oaths and affirmations and to fix the bonds of attached witnesses, and the committee shall further have all powers necessary in order to accomplish the purposes for which it is appointed; said committee shall have authority to summons and question the head of, or employees in, any State Department for information or advice, and shall have access to the records of any Department.

Sec. 4. That the witnesses attending said committee under process shall be allowed the same mileage and per diem as is allowed witnesses in the trial of criminal cases in the district court.

Sec. 5. That it shall be the duty of said committee to make and keep a record of its investigations.

Sec. 6. That it shall be the duty of the Attorney General's Department to assign one or more Assistant Attorneys General to said committee for the purpose of assisting and advising said committee in its investigation. The Attorney General's Department, when requested by said committee, shall render opinions and give counsel concerning any of the duties herein imposed. The State Auditor shall furnish the committee with an auditor, when requested by said committee to do so.

Sec. 7. That said committee shall begin its investigation at the earliest practicable moment and continue the same until the purposes herein stated are accomplished. Said committee shall, within forty-five (45) days from the passage of this resolution, submit a report in writing to the Regular session of the Forty-Second Legislature, and shall make a final report in writing when its investigation is completed to this or the next succeeding session of the Legislature. The compensation and expenses herein provided for incident to such investigation shall be paid out of the appropriation for mileage and per diem and contingent expenses of the Regular Session of the Forty-second Legislature, upon sworn account of the persons entitled to such pay when approved by the chairman of said committee, and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said Regular Session of the Forty-second Legislature to meet the payment of such per diem and expenses of the witnesses, fees, and other expenses, incident to said investigation.

Sec. 8. That said committee may include in its report its recommendation of any legislation that should be enacted, or other action that should be taken.

PARRISH.

The resolution was read.

On motion of Senator Parrish, the resolution was laid on the table subject to call.

H. C. R. No. 18.

The Chair laid before the Senate H. C. R. No. 18, petitioning Congress for a tariff on jute.

The resolution was read.

Senator Holbrook moved to recommit the resolution to the Committee on Federal Relations. The motion prevailed.

Invitation to the House.

The Chair recognized the Doorkeeper, who introduced a committee from the House. Mr. Keller invited the Senate and its visitor, Count Sfarza, to adjourn to the House for the count's visit on account of better facilities.

On motion of Senator Greer, the invitation was accepted.

Recess.

On motion of Senator Woodward, the Senate, at 11 o'clock, a. m., recessed until 11:40 o'clock.

After Recess.

The Senate met at 11:40 o'clock, a. m., pursuant to recess, and was called to order by Senator Berkeley.

House Bills Referred.

H. B. No. 129, to Committee on Stock and Stock Raising.

H. B. No. 178, to Committee on Educational Affairs.

H. B. No. 94, to Committee on Educational Affairs.

H. B. No. 109, to Committee on State Affairs.

H. B. No. 131, to Committee on Judicial Districts.

H. B. No. 55, to Committee on Civil Jurisprudence.

House Bill No. 244.

Senator Hornsby called up from the table H. B. No. 244.

Senator Woodward sent up the following amendments:

Amend H. B. No. 244 by adding after the word "thing," line 6 of the bill, the following:

"Or every person who by force, threats, fraud, duress, or enticement takes, confines, kidnaps, conceals, or entices away any other person for the purpose or with the intent of taking or receiving, or demanding, or extorting from the person so restrained or kidnapped, or his rela-

tives, or from any other person, any money or valuable thing."

MARTIN.
WOODWARD.
HORNSBY.
RAWLINGS.
SMALL.

Read and adopted.

Amend H. B. No. 244 by adding after the word "five," line 8 of the bill, the following:

"Provided, however, that in all cases where the person kidnapped, detained, or enticed away is returned by the defendant without serious bodily injury having been inflicted, the punishment shall be by confinement in the State Penitentiary for any term of years not less than five."

Read and adopted.

The bill was read second time and passed to third reading.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 244 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Hardin.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Greer.
Berkeley.	Holbrook.
Cousins.	Hopkins.
Cunningham.	Hornsby.
DeBerry.	Loy.
Gainer.	Martin.

Moore.	Rawlings.
Neal.	Russek.
Oneal.	Small.
Parr.	Stevenson.
Parrish.	Thomason.
Patton.	Williamson.
Poage.	Woodruff.
Pollard.	Woodul.
Purl.	Woodward.

Absent—Excused.

Hardin.

Executive Session.

At 11:45 o'clock, a. m., the Chair announced that the hour for the executive session had arrived. The chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Senate Chamber.

Austin, Texas, Feb. 25, 1931.

To the Honorable Edgar E. Witt, President of the Senate:

We, your Committee on Governor's Nominations, to whom was referred the nomination, by the Governor, of Honorable Carl Runge of Mason County, as District Judge of the Thirty-third Judicial District of Texas, to succeed Hon. J. H. McLean, deceased, have had the same under consideration, and report the same to the Senate with the recommendation that said appointment be ratified and confirmed.

POLLARD, Chairman.

Confirmed.

Senate Charmer,

Austin, Texas, Feb. 25, 1931.

To the Honorable Edgar E. Witt, President of the Senate:

We, your Committee on Governor's Nominations, to whom was referred the nomination, by the Governor, of Honorable Frank Baldwin as a member of the State Board of Education, have had the same under consideration, and report the same to the Senate with the recommendation that said appointment be not ratified and confirmed.

POLLARD, Chairman.

Adopted.

Free Conference Committee.

The Chair announced the appointment of the following Free Conference Committee on H. B. No. 399:
Senators

BECK,
ONEAL,
DeBERRY,
RAWLINGS,
WOODRUFF.

Executive Session Set.

On motion of Senator Pollard, the Senate voted to go into executive session tomorrow morning at 10.30 o'clock.

Adjournment.

Senator Stevenson moved to adjourn until tomorrow morning at 10 o'clock.

Senator Moore moved that adjournment today be out of respect to the memory of Senator Hardin's father and that the Secretary be instructed to send a telegram to the family. The motion prevailed.

The motion to adjourn prevailed and at 12:47 o'clock p. m., the Senate adjourned.

APPENDIX.**Petitions and Memorials.**

Austin, Texas, Feb. 24, 1931.

Hon. Edgar E. Witt, President of the Senate,

My Dear Governor Witt:

I am enclosing herewith a communication which we have prepared after careful deliberation.

I will deem it a personal favor if you will get this communication read before the Senate at the earliest possible moment, so that it may be inserted in the Senate Journal.

Sincerely your friend,

WM. J. TUCKER.

Executive Secretary.

Austin, Texas, Feb. 24, 1931.

Hon. Edgar E. Witt, President of the Senate:

Hon. Fred H. Minor, Speaker of the House of Representatives:

Sirs:

Article 909 of the Penal Code, makes it unlawful for any person owning or claiming wild birds, fowls or animals or parts thereof, to place in storage or keep in storage such

birds or animals for a longer period of time than ten days after the open season prescribed for the taking of such game. There is pending before the Legislature at this time a bill which proposes to re-write Article 909, the effect of which would be to allow the keeping in storage of game animals for a longer period of time and provides safeguards which the present law on this subject does not provide. In the judgment of the Game, Fish and Oyster Commission, this is a good bill and should be passed.

The Commission, at its October, 1930, meeting decided to give to the members of the Legislature a banquet on the opening day of the Regular Session of the Forty-second Legislature and that the meat menu of this banquet would be game lawfully taken during the open season. On account of the illness of the Chairman, the banquet was postponed. The purpose of the banquet was to enable the Commission and executive of the Department to present to the members of the Legislature information of vital importance and for the public good, pertaining to the protection of wild life of this State.

After the banquet was held and the above mentioned bills were introduced in the Senate and the House, complaints were filed against certain executives and employees of the Game Department, who are charged with storing game after the legal period of time for holding such game in storage on the theory that such game was held by these officials in violation of Article 909 of the Penal Code, for the purpose of providing the above mentioned banquet to the members of the Legislature.

The bill now pending, if passed, would bar prosecution of the parties named in the complaints. We request that the bill be amended so as to allow the prosecutions of any charges now pending, brought under Article 909 of the Penal Code of this State.

Very respectfully your,

WM. J. TUCKER.

Executive Secretary.

BEAL JESTER,

Assistant Executive Secretary.

C. R. RUDASILL,

Director of Fish Hatcheries,

J. E. FERFUSON,

Game and Fish Warden.

Committee on Enrolled Bills.

Committee Room.

Austin, Texas, Feb. 25, 1931.

Hon. Edgar E. Witt, President of the Senate.

We, your Committee on Enrolled bills have had Senate Resolution No. 57, carefully examined and compared and find same correctly Enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room.

Austin, Texas, Feb. 25, 1931.

Hon. Edgar E. Witt, President of the Senate.

We your Committee on engrossed bills, have had Senate Bill No. 118 carefully examined and compared and find same correctly Engrossed.

HARDIN, Chairman.

Committee Room.

Austin, Texas, Feb. 25, 1931.

Hon. Edgar E. Witt, President of the Senate.

We your Committee on Engrossed bills, have had Senate Bill No. 111 carefully examined and compared and find same correctly Engrossed.

HARDIN, Chairman.

Committee Room.

Austin, Texas, Feb. 25, 1931.

Hon. Edgar E. Witt, President of the Senate.

We your Committee on Engrossed Bills, have had Senate Bill No. 367 carefully examined and compared and find same correctly Engrossed.

HARDIN, Chairman.

Committee Room.

Austin, Texas, Feb. 25, 1931.

Hon. Edgar E. Witt, President of the Senate.

We your Committee on Engrossed Bills, have had Senate Bill No. 237 carefully examined and compared and find same correctly Engrossed.

HARDIN, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, Feb. 24, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 37, A bill to be entitled "An Act to amend Article 1330, Title

32, Revised Civil Statutes of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute hereto attached do pass in lieu thereof.

WOODWARD, Chairman.

By Woodul. C. S. S. B. No. 37

A BILL**To Be Entitled**

An Act to amend Article 1330, Title 32, Revised Civil Statutes of 1925; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1330, Chapter 3, Title 32, Revised Civil Statutes of 1925, be, and the same is, hereby amended so as to hereafter read as follows:

"Article 1330 (1145). Increase of Capital Stock.—The Board of Directors or other managing officers of a corporation may increase its authorized capital stock, including the issuance of preferred stock, which stock shall have such rights, powers, privileges and preferences as are now authorized by law, and no par or par value stock, issued or un-issued, in any class or classes, may be converted into preferred stock, when empowered to do so by a two-thirds vote of all of its outstanding stock with voting privileges, at a special or regular meeting called for that purpose by complying with the provisions of Article 1308, and/or Article 1538-D, as the case may be. Upon such increase or conversion of stock being made in accordance with such provisions and certified to the Secretary of State by the Directors, and, if the Secretary of State is satisfied that the increase has been made in accordance with law, he shall file such certificate; and thereupon, the same shall become a part of the capital stock of such corporation. Such certificate shall be filed and recorded in the same manner as the charter. All preferred stock heretofore authorized to be issued, or issued, or stock converted into preferred shares by vote of two-thirds of the outstanding stockholders, is hereby ratified, legalized and validated."

Sec. 2. If any part of this Act

shall be held unconstitutional, such part shall not affect the remaining part. All laws or parts of laws in conflict herewith are hereby repealed.

Sec. 3. The fact that Article 1330 refers to an article which is not germane to such article; that such article is vague and ambiguous, and that by reason of the questionable right of domestic corporations to issue preferred stock without the unanimous consent of the stockholders, which is often impossible to get, and which is thus discouraging incorporation in Texas, since foreign corporations having such right can do business in this State in competition with domestic corporations; because preferred stock has been authorized by the Secretary of State to be issued, by vote of two-thirds of the outstanding stockholders for many years, but has now been questioned in an opinion by the former Attorney General, and by reason of the fact that the Secretary of State, in her report to the Governor, has suggested this change, and the former Attorney General writing such opinion has recommended the change, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Feb. 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 414, A bill to be entitled "An Act to amend Article 1055 of Chapter 2, of Title 15, of the Code of Criminal Procedure, Revised Criminal Statutes of Texas, so as to provide for the payment of costs to officers by the county in any and all cases wherein the defendant is unable to pay his fine and lays his fine out in jail or satisfies and adjudge costs taxed against him as provided in Article 794 of Chapter 1, of Title 15, of the Code of Criminal Procedure, Revised Criminal Statutes of Texas."

Have had same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 356, A bill to be entitled "An Act making it a felony for State convicts to escape, or attempt to escape, from the State Penitentiary or other places of confinement; defining the same, and also for aiding or abetting the escape, or attempt to escape, of any such convict; fixing the punishment, and declaring an emergency."

Have had same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass.

SMALL, Chairman.

Austin, Texas, Feb. 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 140, A bill to be entitled "An Act providing for the trial of insane convicts, who are inmates of the Texas Prison System; providing for the filing of Affidavits of Insanity; fixing the venue of such trials and providing for all the payment of all expenses incident thereto and declaring an emergency."

Have had same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Penitentiaries to whom was referred

S. B. No. 194, by Holbrook,

Have had same under consideration, and beg to report it back with the recommendation that it do pass with Committee amendments and be not printed as it was printed in advance.

DeBERRY, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 194, Section 2, by inserting in line 28 after the word "shall" the following, viz, "be executed only upon a fair and adequate consideration and shall contain full reservation of all minerals in and under said lands, sufficient guarantees as to the use of the waters conveyed through said irrigation canals by the State Prison Board for irrigation and other purposes and such other" and striking out of line 28 the words "contain such."

Committee Amendment No. 2.

Amend S. B. No. 194, Section 1, by inserting in line 23 between the words "lands" and the word "owned" the word "now."

Committee Room,
Austin, Texas, Feb. 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Penitentiaries to whom was referred S. B. No. 244, by Woodul Have had same under considera-

tion, and beg to report it back to the Senate with the recommendations that it do pass and be not printed.

DeBERRY, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1931.
Hon. Edgar Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 201, A bill to be entitled "An Act making it an offense for any person to manufacture, sell, break, open or explode in this State any bomb, shell, or any other device containing any gas, air, or other substance which stinks or is repulsive to smell, and which is constructed and designed to emanate the same, making exceptions, prescribing punishment, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

In Memory
of
Judge Chas. H. Jenkins

SIMPLE RESOLUTION NO. 59.

Senator Woodward sent up the following resolution:

WHEREAS, On February 23rd, 1931, in the City of Brownwood, Texas, the long and useful life of Judge Chas. H. Jenkins came to a quiet and peaceful end; and,

WHEREAS, Judge Jenkins in early life pioneered in the great West wherein he has for more than a half century devoted his life to the building of a citizenship for which the great West is famed; and,

WHEREAS, Judge Jenkins has in the past served his State faithfully as a public servant, having been honored with membership in the Legislature of Texas, as Associate Justice of the Court of Civil Appeals of the Third Supreme Judicial District and as Chairman of the Codifying Commission, during which service and in each capacity he served with fidelity and distinction, ever faithful to the people whom he represented; and.

WHEREAS, In his death, the citizenship of Brownwood, and all Texas, has lost a distinguished citizen; one who as a public servant, regarded public office as a public trust; therefore,

BE IT RESOLVED by the Senate of Texas that sympathy is extended to the relatives of the deceased; that a page of the Senate Journal be set aside today in memory of Judge Jenkins and his faithful and honorable service; that a copy of this resolution be by the Secretary of the Senate, forwarded to the family of the deceased and when the Senate adjourns today, it be in respect to his memory.

**WOODWARD,
HOLBROOK.**

Read and unanimously adopted by a rising vote.

In Memory
of
Hon. J. H. McLean

SIMPLE RESOLUTION NO. 62.

Senator Hornsby sent up the following resolution:

WHEREAS, The recent death of the Honorable J. H. McLean, Judge of the Thirty-third Judicial District of Texas, has grieved deeply his many friends and associates; and,

WHEREAS, He was a member of one of the earliest graduating classes of the Law School of the University of Texas; and in his long service to the State, both in private and public life he not only commanded the admiration and respect of all who knew him, but was an inspiring example for those who might hope to follow in his footsteps in the legal profession; and,

WHEREAS, He always worked toward the furtherance of constructive progress in the meting out of Justice; and,

WHEREAS, Judge McLean was in every way representative of the highest type of Texas citizen and public servant; therefore,

BE IT RESOLVED, That a copy of this resolution be inscribed on a separate page of the Senate Journal as a tribute to the memory of the Honorable J. H. McLean, and that a copy hereof be mailed to Mrs. J. H. McLean and family, of Llano, Texas, as an expression of the sorrowing bereavement which the Senate of Texas feels in the loss of this beloved jurist and esteemed citizen.

HORNSBY,
WOODWARD,
HOLBROOK.

Read and adopted unanimously by a rising vote.